

Question 265: Clarifications on Q&As 213 and 65, 66. There seems to be considerable confusion on what is required to be provided in Criterion 4. Per question 213 it states that no more than 3 contracts for [each entity] can be provided (and are submitted under Criterion 1) - however in Q&As 65 and 66, it states that contracts that are similar "in addition to the contracts provided on Attachment L-2" (Criterion 1) can be provided as a separate submission under Criterion 4. Our question is a multi-part question/clarification:

- a. Can you please clarify whether or not "additional" contracts are to be provided on Part B as a separate submission under Criterion 4?
- b. If DOE expects "additional" contracts in Criterion 4, is there a limit to the number of contracts (and related problems/solutions) that can be provided on a separate Part B under Criterion 4?
- c. If DOE expects "additional" contracts in Criterion 4 beyond those shown in Criterion 1, can you clarify the nature of these responses? In other words, are our responses for these similar contracts only to address any performance issues that the offeror/subcontractors had or are these to be any type of problems/solutions - such as unexpected field conditions, regulatory changes, design challenges, etc. that may have been out of our control but on which the offeror/subcontractors assisted the client in overcoming?

Answer: Section L.31 (1) Criterion 1 – Relevant Experience, (4) Criterion 4 – Relevant Past Performance, and Attachment L-2 Experience & Past Performance Reference Information Form, Part B – Problems Encountered During Performance –

(1) In accordance with Section L.31(1) Criterion 1 – Relevant Experience, paragraph 2 and (4) Criterion 4 – Relevant Past Performance, paragraph 2, the offeror shall provide a Part B only of Attachment L-2 under Criterion 1 or 4 for **each** entity. Example, a Part B should be submitted for the offeror or a Part B for each member of the joint venture or of newly formed entity (if the offeror is joint venture or newly formed entity). Plus, the offeror should submit a Part B for **each** of the major or critical subcontractors, if any. This information should be submitted under Criterion 1 or 4. See examples in paragraph (3) below. See answer to Question 253.

(2) In accordance with Section L. 31 (4) Criterion 4 – Relevant Past Performance, paragraph 4, the information on the Part B submitted for each of the entities should address problems encountered (if any) and corrective actions taken, etc. for the three contracts provided for each of the entities on the Part As of Attachment L-2. **Plus**, the Part B submitted for each of the entities should contain the same type of information (problems encountered and corrective actions taken) pertaining to similar contracts identified for each of the entities.

(3) In accordance with Section L.31 (1) Criterion 1 – Relevant Experience, paragraph 2 and (4) Criterion 4 – Relevant Past Performance, paragraph 2, the offerors need only submit one Part B of Attachment L-2 with the above information for each of the entities. One Part B should be submitted for the offeror. If the offeror is a joint venture or newly formed entity, a Part B should be submitted for each member. Example, if there are two members, a separate Part B should be submitted for each member. If there are major or critical subcontractors proposed, a Part B should be submitted for each major or critical subcontractor. Example, if there are two major or critical subcontractors, two Part Bs should be submitted, one for each major or critical subcontractor. There is no page limitation to Attachment L-2, Part B. See answer to Question 253.

(4) Regarding question (c) above, in accordance with FAR 15.305(a)(2)(ii), offerors are being provided an opportunity to provide information on problems encountered and corrective actions, etc. on the three contracts identified for each entity on Part A of Attachment L.2 as well as for any other similar contracts identified by the offeror. The information to be provided should pertain to the performance of the offeror and other entities (members of joint venture or newly formed entity and/or major or critical subcontractors) as set forth in the solicitation. The evaluation criterion pertains to past performance.

Question 266: The RFP states in L.32 8 b. (v) Home Office Allocations. The offeror shall provide a detailed explanation using the proposed corporate organizational structure as to whether corporate home office allocation is or is not applicable. If a corporate home office allocation is not proposed, the offeror shall provide a contractually binding statement as part of the Offer, Volume I that the offeror will not attempt to recover corporate home office costs in any Task Orders.

Is it correct that this section is referring to allocations from subsidiaries or otherwise related companies, rather than a single entity? For example, one corporation that provides most of the administrative services for that company, as well as other companies that the same principles own. The administrative costs are captured in a pool that is then allocated to the other related companies based on an equitable allocation method - revenue, direct labor, etc. Could you please clarify what is contained in Home Office Allocations?

Answer: 48 CFR 9904.403-30 Definitions. The term *home office* means an office responsible for directing or managing two or more, but not necessarily all, segments of an organization. It typically establishes policy for, and provides guidance to the segments in their operations. It usually performs management, supervisory, or administrative functions, and may also perform service functions in support of the operations of the various segments. An organization which has intermediate levels, such as groups, may have several home offices which report to a common home office. An intermediate organization may be both a segment and a home office.

Segment means one of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

Allocate means to assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignments of cost and the reassignment of a share from an indirect cost pool.

In the event a Home Office allocation is proposed, the offeror will ensure that the applicable cost principles included in the FAR are followed. As stated at FAR 31.203(a) for contracts subject to full CAS coverage, allocation of indirect costs shall be based on the applicable provisions. For all other contracts, the applicable CAS provisions in paragraphs (b) through (h) of FAR 31.203 apply. For contracts subject to full CAS coverage, CAS 403, Allocation of Home Office Expenses to Segments, establishes criteria for allocation of the expenses of a home office to the segments of the organization based on the beneficial or causal relationship between such expenses and the receiving segments. Contracts that are not subject to full or modified CAS coverage shall ensure that the cost principles at FAR 31.203 are followed for purposes of accumulating expenses included in a Home Office expense pool and selecting an appropriate allocate base to allocate these expenses based on benefits accruing to intermediate and final cost objectives.

The above explanation is provided for informational purposes and does not alter or revise any terms or conditions of the solicitation, any resulting contract, any approved accounting system or any other applicable cost principle or cost accounting standard.

Question 267: Clarification Please confirm that the answer to Question 247 posted on 9/30/09 remains valid (since the solicitation has not been amended to state this). **[Answer to Question 247:** Section L, Attachment L-5, Schedule 4 and Attachment L-6. Offerors should provide cost data at the ECES levels presented in Attachments L-5, Schedule 4 and Attachment L-6. All WBS elements are not defined to the ECES level 4. Some WBS elements are defined to the ECES level 2, some to the ECES level 3, and one to the ECES level 4. Offerors should use the WBS elements as defined to the ECES levels presented in Attachment L-5, Schedule 4 and Attachment L-6. Offerors may use lower ECES levels, using the ECES guidelines; however, it is not required.]

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Answer: Reference answer to Question 247. The answer to Question 247 is still valid and simply explains what is contained within Schedule 4 of Attachment L-5 and Attachment L-6. Offerors should use the WBS elements as defined to the ECES levels presented in Schedule 4 of Attachment L-5 and Attachment L-6. As indicated in the answer to Question 247 and as reflected on Schedule 4 of Attachment L-5 and Attachment L-6, all WBS elements are not defined to the same ECES levels. As previously stated, offerors must use the WBS structure presented in Schedule 4 of Attachment L-5 and Attachment L-6, but may use lower levels than presented in Schedule 4 of Attachment L-5 and Attachment L-6. The solicitation will not be amended.

Question 268: Reference Attachment L-5, Schedule 4 and Attachment L-6 and answer to Question 263 - Should the information be provided at level 4 only when level 4 is specified, and the information be provided at higher levels when higher levels are specified?

Answer: Yes, offerors should provide the information at level 4 at a minimum when level 4 is specified in Schedule 4 of Attachment L-5 and Attachment L-6. As previously stated offerors must use the WBS structure presented in Schedule 4 of Attachment L-5 and Attachment L-6, but may use lower levels than presented in Schedule 4 of Attachment L-5 and Attachment L-6. If offerors provide information to level 4 when a higher level is specified in Schedule 4, this information will be used in the evaluation conducted under the solicitation.

Question 269: Please add one week plus weekend (10 days) to proposal due date as the amendment revising the SOW in the RFP has not been issued. Although much information has been presented in the Q&A, additional time is required. In addition, multiple Q&A answers indicated that the schedules (WBS) were mandatory and will be revised and we only recently received those changes.

Answer: Amendment 006 was issued Monday, October 5, 2009, and incorporated all of the revisions and assumptions previously provided to offerors in the Questions and Answers posted prior to October 5, 2009. No additional changes affecting preparation of proposals was included. See answer to Question 264. The revised Attachments L-5 including Schedule 4 and Attachment L-6 were provided via Amendment 005 on Thursday, October 1, 2009. These revised attachments also included information that had been previously provided to offerors regarding preparation of cost proposals as well as a few additional relatively minor clarifications. The Department extended the date for receipt of proposals to October 16, 2009, at the same time it issued Amendment 005. Any information provided subsequent to the issuance of Amendment 005, including the information provided in the final set of questions and answers, has been minor clarification information and would not warrant additional time for preparation of proposals. Therefore, the Department does not anticipate extending the date for receipt of proposals beyond October 16, 2009 at 3PM EDT.

Question 270: We are ready to send our proposal to production. Does the DOE anticipate any additional changes or extensions to the RFP?

Answer: DOE does not anticipate any further changes to the solicitation. The final set of questions and answers will be posted today and do not impact the preparation of proposals. Proposals are to be submitted by 3PM EDT, October 16, 2009.